

ADMINISTRATIVE REPORT

Title: *A New City By-law to Replace Records Management By-law 166/2003*

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
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RECOMMENDATIONS

1. That Council enact a new Records Management By-law replacing the current Records Management By-law 166/2003.
2. That the Records Committee be comprised as follows: the City Records Manager/Archivist, who shall be the Chairperson of the Committee; the City Clerk; the City Treasurer; the City Auditor; the Director of Legal Services and City Solicitor; and two citizen members who shall not be employees of the City and whose term shall be for not more than three years.

REASON FOR THE REPORT

The new Records Management By-law is necessary in order to document with greater accuracy the types of records created in City departments and business units, to account for changes in the City's organization with respect to records creation and disposition, and to ensure that recordkeeping best practices are maintained and meet existing legal and fiscal requirements.

IMPLICATIONS OF THE RECOMMENDATIONS

1. The existing By-law reflects the City's organizational structure in 2003. Since then, numerous changes have taken place that are not reflected in the By-law. For example, the existing By-law does not include records created by Special Operating Agencies (SOA's). The new By-law reflects the City's current structure.

2. The new By-law includes records series not described in the current By-law, or which have been created since the current By-law was enacted.
3. The new By-law has been formatted in a manner which will facilitate the tracking of changes and realignment in the City's organizational structure. Records associated with particular business functions can therefore be properly managed as record creating functions move within and between business units.
4. That Administrative Directive AD-006, Corporate Recordkeeping, last updated October 24, 2003, be revised to bring it up to date.

HISTORY

The City of Winnipeg Charter, and before it, *The City of Winnipeg Act*, requires the City to pass a by-law for the management, retention, safekeeping, disposition and destruction of records. The City has had such a by-law in place since 1975. By-law 937/75 contained five schedules and guidelines for the "safe-keeping and destruction of documents". Its replacement, By-law 6875/96, reduced the number of schedules to two - "temporary" and "permanent" records. Those records identified as temporary had designated retention periods ranging from 2 to 20 years. This By-law was in turn repealed by By-law 8150/2002 on December 11, 2002. Records management for the City of Winnipeg is currently governed by By-law 166/2003. By-law 166/2003, repealing 8150/2002, was approved by Council on December 17, 2003,

The current By-law is now out of date in that the Records Retention and Disposition schedules do not meet the current recordkeeping requirements of City of Winnipeg Departments. They do not account for new records systems created since the current By-law was enacted, and the By-law itself does not reflect major changes to the City's organizational structure which have occurred since 2003 and are ongoing. For example, the current By-law does not accurately reflect records created by the City's Special Operating Agencies, the location of Building Services as part of Planning, Property and Development, the creation of a new By-law Enforcement Services Division within the Community Services Department, the abolition of EPC Secretariat and CAO Secretariat, the creation of a new Legal Services Department and numerous other changes to the City's organizational structure. The new By-law addresses these concerns.

The attached By-law is based on information gathered from departments over the last year. In preparing this By-law there was consultation with all City of Winnipeg Departments and SOA's. The By-law has been reviewed by Legal Services Department, and the draft was reviewed by the City of Winnipeg Records Committee and recommended for approval at a meeting on May 18, 2010.

The draft By-law is consistent with current international standards for records and archives management, and with by-laws of other municipalities across Canada. The new format allows for the By-law to be more efficiently amended to reflect changes in organizational structure on a going forward basis.

FINANCIAL IMPACT

There is no financial impact associated with these recommendations.

CONSULTATION

In preparing this report there was consultation with:

City of Winnipeg Records Committee
Harold Dick – Solicitor, Legal Services Department
Don Kroeker – Records Manager, City Clerk's Department

City Departmental and SOA Staff, including:

- Office of the CAO
- Office of the CFO
- Community Services
- Legal Services
- Corporate Support Services
- Winnipeg Police Service
- Winnipeg Fire Paramedic
- Audit
- Planning, Property and Development
- Winnipeg Transit
- Assessment and Taxation Water and Waste
- Winnipeg Parking Authority SOA
- 311 Service

SUBMITTED BY

Department: City Clerk's Department
Division: Archives and Records Control
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Date: June 21, 2010